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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,296	11/23/2001	Hayato Hokoi	110156.01	4251

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EXAMINER

LEE, CHEUKFAN

ART UNIT PAPER NUMBER

2622

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/990,296

**Applicant(s)**

HOKOI, HAYATO

**Examiner**

Cheukfan Lee

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11 is/are allowed.
- 6) ☒ Claim(s) 5, 6 and 12-19 is/are rejected.
- 7) ☒ Claim(s) 1-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/908,587.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/18/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 1-19 are pending. Claims 1, 5, 6, 7, 12, and 16 are independent.

2. Claim 15 is objected to because of the following:

Claim 15 depends on "claim 1". It seems that the dependency should be claim 12.

3. Claims 1-6 are objected to because of the following:

In claim 1, line 17 of the claim, "at least two or more line sensors" should read – at least two line sensors – because the "at two" limitation includes the "more" limitation.

In claim 3, lines 2-3 of the claim, "at least two lines or more" should read – at least two lines --.

Claims 2 and 4 are objected to as being dependent upon the objected claim 1.

In claim 5, line 6 of the claim, "at least two or more line sensors" should read – at least two line sensors --.

In claim 6, line 5 of the claim, "at least two or more line sensors" should read – at least two line sensors --.

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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5. Claims 5, 6 and 12-19, insofar as claim 15 is understood to depend on claim 12, are rejected under 35 U.S.C. 101 because of the following:

Claim 5 recites in the preamble "A storage medium for storing a controlling procedure ...". This claim language makes the claimed invention non-statutory. The proper language should read – A computer-readable storage medium storing a program for performing a controlling procedure of an image scanning apparatus --.

Claim 6 recites in the preamble "A control program for an image scanning apparatus". This claim language makes the claimed invention non-statutory. The proper language should read – A computer program embodied in a computer-readable storage medium for performing a scanning control procedure of an image scanner --. Thus, on line 10 of the claim, "the control program comprises a scanning procedure of" should read – the program comprises the scanning control procedure of: --.

Claim 12 recites in the preamble "A storage medium for storing a controlling procedure of an image scanning apparatus". This claim language makes the claimed invention non-statutory. The proper language should read – A computer-readable storage medium storing a program for performing a controlling procedure of an image scanning apparatus --.

Claims 13 and 14, and claim 15 as claim 15 is understood to depend on claim 12, are rejected as being dependent on the rejected claim 12. Please note that the preambles of claims 13 and 14 should be amended according to the proposed proper language of claim 12 on which they depend directly or indirectly.

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Claim 16 recites in the preamble "a control program for image scanning apparatus". This language makes the claimed invention non-statutory. The proper language should read – A computer program embodied in a computer-readable storage medium for performing a control procedures of an image scanning apparatus --. Thus, on line 16 of the claim, "said control program comprises procedures of:" should read – said procedures comprise: --.

Claims 17-19 should also be amended in accordance with the proposed proper language of claim 16 on which they depend directly or indirectly.

Please note that amending the claims (claims 12 and 16) as suggested above may result in two identical or virtual identical claims.

6. Claims 1-4 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.

7. Claims 7-11 are allowed.

8. The following is an examiner's statement of reasons for allowance:

Claim 1 and its dependent claims 2-4 would be allowable over the prior of record, including Yaguchi et al. (U.S. Patent No. 5,903,363). Claim 1 requires a driving device for sub-scanning an original document in areas where original document transfer is to be performed at a short pitch, by performing a small step transferring of the original document, and then sub-scanning the original document by performing a large step

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transferring of the original document at a long pitch, wherein a plurality of short pitch transferring areas are included in each long pitch transferring area, and repeating the sub-scanning by performing the large step transferring and the small step transferring of the original document. This feature in combination with the imaging device having two or more line sensors with equal line intervals is not taught by the prior art of record.

Claim 7 requires two or more line sensors in the image scanning apparatus and a maximum image data detecting device for obtaining image data by converting analog image data of two or more lines with an A/D converter and obtaining a maximum output of the obtained image data, the analog image data being output in sequence from the two or more line sensors. The closest prior art Yaguchi et al. (U.S. Patent No. 5,903,363) (cited by Applicant for the present application and cited by the examiner in the parent application 09/908,587) discloses an image reading apparatus having three line sensors (three line sensors for each of the colors red, green and blue) for one color (Fig. 7). However, Yaguchi et al. does not disclose a maximum image data or value detecting device for obtaining the maximum from the outputs of the three line sensors as claimed in claim 7.

Claims 8-11 depend on claim 7.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee  
July 23, 2005

  
*Cheukfan Lee*